
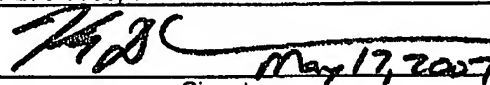


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| <b>TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT</b>  |   | <b>Attorney Docket No:</b><br>21863 |
| In re application of:   | Patrick A. COSTELLO   |                                     |
| Application No.:  | 10/684,282  |                                     |
| Confirmation No.:   | 3340  |                                     |
| Filing Date:  | October 10, 2003  |                                     |
| Title:  | Slow-start Packet Scheduling Particularly Applicable to Systems Including a Non-Blocking Switching Fabric and Homogeneous or Heterogeneous Line Card Interfaces |                                     |
| <p>The Owner, Cisco Technology, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 7,184,443 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:</p> <ul style="list-style-type: none"> <li>• expires for failure to pay a maintenance fee;</li> <li>• is held unenforceable;</li> <li>• is found invalid by a court of competent jurisdiction;</li> <li>• is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;</li> <li>• has all claims canceled by a reexamination certificate;</li> <li>• is reissued; or</li> <li>• is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</li> </ul> <p>The undersigned is an attorney of record (Kirk D. Williams, Reg. No. 42,229).</p> <p>Please charge the statutory disclaimer fee of \$130 due under 37 CFR 1.20(d) as directed by the included form PTO-2038 (Credit Card Payment Form). Additionally, the Commissioner is hereby authorized charge or credit any fees due in connection with this correspondence to Deposit Account No. 501430, should there be a problem with such payment. Also, the Commissioner is hereby authorized to charge or credit any other fees in connection with any correspondence under 37 CFR 1.16 or 1.17 for this application to Deposit Account No. 501430.</p> |   |                                     |
| Name  | Kirk D. Williams, Reg. 42,229   |                                     |
| Signature   |   |                                     |
| Date  | May 17, 2007  |                                     |

|   |  |              |
|---|--|--------------|
| <b>Certificate of Mailing or Transmission Under 37 C.F.R. 1.8</b>   |  |              |
| I hereby certify that this Transmittal and all accompanying documents are being deposited with the United States Postal Service with sufficient postage as first class mail, on the date indicated below and addressed to: Commissioner For Patents, PO Box 1450, Alexandria VA 22313-1450, or being facsimile transmitted to the USPTO, 571-273-8300, on the date indicated below. |  |              |
| Kirk D. Williams, Esq.<br>Reg. No. 42,229   |  | May 17, 2007 |
| Name of Person Signing  | Signature  | Date         |

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